IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISCELLANEOUS APPLICATION NO. 203 OF 2005
IN
CRIMINAL WRIT PETITION NO. 6 OF 2004

Kailesh Bhagat,
Central Jail,
Aguada-Goa. ... Applicant

versus

State of Goa and
others. ... Respondents

Mrs. A. Desai, Advocate for the Applicant.

Mrs. W. Coutinho, Public Prosecutor for the Respondents.

CORAM : N. A. BRITTO, J.

DATE : 7TH DECEMBER, 2005.

ORAL ORDER

Heard Mrs. A. Desai, the learned Counsel appearing on behalf of the applicant and Mrs. W. Coutinho, the learned Public Prosecutor appearing on behalf of the respondents.

2. By Judgment of this Court dated 5-2-2004 passed in Criminal Writ Petition No.6 of 2004, the respondents were directed to release the applicant on parole for 30 days upon the applicant executing a personal bond in the sum of Rs.20,000/- with one surety in the like amount and with some other conditions. The grievance of the applicant in this application is that the respondent No.2-I.G.P. is insisting that the applicant deposits Rs.20,000/- inspite of the Order of this Court dated 5-2-2004.

3. An affidavit has been filed by the Inspector General of Prisons and in the said affidavit it has been stated that what is alleged by the applicant is not correct. It has been stated that the Superintendent of Central Jail, Aguada has informed the Inspector General of Prisons that the people who came to stand as surety to release the applicant on parole did not bring any documents. It is also stated that the applicant had a sum of Rs.34,510/- in his cash account out of which the applicant withdrew a sum of Rs.22,000/- and gave to Shri P. B. Sahu who was willing to stand as surety and the remaining balance in his account is only Rs.12,510/- which does not fulfill the condition imposed by this Court to release the applicant on parole.

4. In the Judgment dated 5-12-2004, it was clearly stipulated that the applicant was to be released on parole for a period of 30 days upon the applicant executing a personal bond in the sum of Rs.20,000/- with one surety in the like amount and that was irrespective of whether the applicant had any amount in his cash account or not. This Court in another Judgment dated 5-10-2005 in Criminal Writ Petition No. 30 of 2005 has explained that the Inspector General of Prisons ought not to demand cash security from the prisoners when the condition is that the prisoner should be released on execution of a personal bond with one surety in the like amount.

5. The respondents are directed to release the applicant in terms of the Order dated 5-2-2004 in Criminal Writ Petition No.6 of 2004 as and when the applicant is able to provide a surety as per Order of this Court dated 5-2-2004.

6. With the above observations, nothing survives in this application and, therefore, the same is hereby dismissed.

N. A. BRITTO, J.

RD